

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

MIDWEST MFG, LLC,

Plaintiff,

vs.

CURT MANUFACTURING, LLC,

Defendant.

4:21-CV-04216-RAL

ORDER GIVING DEFENDANT  
FOURTEEN DAYS TO RESPOND

Ty Nixon, a part owner of Plaintiff Midwest MFG, LLC, filed a letter in this case “for an extension for the Bill of Costs,” noting “some disputes” with plaintiff’s counsel and “financial hardships.” Many courts do not accept separate filings from clients who are represented by counsel or deny any requests in such filings without prejudice to counsel filing a motion on the party’s behalf. See United States v. Tracy, 989 F.2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide latitude in managing its docket and can require represented parties to present motions through counsel.”); Pack v. Lizarraga, No. 2:18-cv-02944, 2020 WL 10618660, at \*5 (E.D. Cal. Jan. 24, 2020) (denying pro se motion to dismiss because plaintiff was represented by counsel). What Mr. Nixon seeks is an extension of 30 days to respond to and potentially contest Defendant’s Bill of Costs, “or other steps we would have to take to grant us some more time.”

This Court does not wish to invite represented parties to file their own letters, requests and motions when the party is represented by counsel. Here, the letter implies the existence of a

breakdown of the relationship with counsel and perhaps plaintiff at this stage is close to proceeding pro se. Therefore, it is

ORDERED that Defendant is given 14 days to respond to Nixon's request to get an extension to respond to the Bill of Costs and plaintiff's time to respond to the Bill of Costs is enlarged to the later of seven days after Defendant responds to Nixon's letter request or whatever extended deadline to respond to the Bill of Costs that this Court sets.

DATED this 4th day of November, 2024.

BY THE COURT:



---

ROBERTO A. LANGE  
CHIEF JUDGE